

OPEN LETTER TO THE SAN JACINTO RIVER WASTE PITS SUPERFUND SITE COMMUNITY AWARENESS COMMITTEE

Jan. 17, 2012

From: McGinnes Industrial Maintenance Corporation

As an active and supportive member of the Community Awareness Committee since its formation, we want to continue to provide fellow committee members with our perspective on issues related to the Site. Many of you became aware through the news media in late December (or more recently) that Harris County has chosen to file suit against McGinnes Industrial Maintenance Corporation (MIMC) and two Waste Management entities. MIMC and the Waste Management entities did not receive service of this suit until January 4th and are presently reviewing the allegations made in this filing. Therefore, the ability to comment fully on the various claims made in this case is limited at this point in time.

In the interest of community awareness, however, MIMC wants to communicate the facts about this matter and the status of its continuing committee participation directly to those of you who are deeply familiar with the San Jacinto project through this Committee's efforts. Important clarifications include:

- MIMC is a corporation that no longer conducts disposal operations but more than four decades ago contracted with Champion Paper Company to dispose of Champion's paper mill waste for a period of approximately nine months at a location next to the San Jacinto River.
 - Waste Management itself was not a corporation at the time of waste disposal at the Site and therefore not affiliated with MIMC during that period, never owned the San Jacinto River Waste Site property and was never involved in disposal there.
 - To imply that the current leadership or employees of Waste Management were directly involved in Site-related disposal over four-and-a-half decades ago is simply false and strikes at the integrity and pride of more than 2,100 employees who work in 21 different locations in Harris County for Waste Management today, many of them Harris County citizens. Clearly, these individuals have nothing to do with the Site's distant past. They deserve better than to be unfairly maligned as they go about their work to safeguard the locations where the company operates today.
- The unintended byproducts of papermaking and paper-production waste were not identified and understood as hazardous by the scientific community or regulators until decades after original disposal occurred at this Site.
 - Any impression made that disposal operators like MIMC knowingly and irresponsibly placed harmful materials nearby or directly into the river from a paper mill is simply false and a reckless rewriting of history. In fact, any activities at the Site took place according to disposal practices common and openly known and approved by Harris County itself during that period and conducted under appropriate governmental supervision at the time.
 - Standards for materials handling have evolved based upon emerging knowledge and accurate characterization of a waste's content. Applying present standards to historical actions made by people operating under the regulatory protocols of another time is simply inappropriate. To indicate otherwise serves to create confusion and unduly alarm local citizens about how pollution is addressed today by companies and how it is fully and appropriately controlled by regulators.
- In fact, remediation at the Site has progressed with remarkable speed. These efforts have taken place under the protections of the U.S. EPA's Superfund process and involve major Site safeguards, engineering and construction actions undertaken by the various parties to remediate the Site.
 - Contrary to the communications most recently fostered by the Harris County Attorney's Office, tremendous progress has been made to ensure that the Site is properly protected. As you'll recall, last July, Harris County applauded all participants involved in the current cleanup effort, including MIMC. Declaring the Site as "capped and sealed" and citing the work accomplished as a "major milestone in protecting the health of our residents" was one step toward reassuring concerned citizens that their interests and health were being addressed. To not cite these facts in further updates about the Site's status is simply to misinform the public.

- By way of example, when it comes to remediation costs, this Committee knows the public continues to wonder “who pays?” The simple answer is that MIMC and International Paper (IP), not taxpayers, are bearing the current remediation costs. What possible purpose does leaving this unstated serve except to sow community distrust and suspicion about the parties who are conducting remediation? By omission, citizens are left to believe they must foot the bill for the Site’s cleanup. Of course, nothing could be further from the truth.

An aggressive program of monitoring and investigation, including sampling, is now taking place at and immediately around the Site. The public will continue to want to be informed as results from the investigation and studies are obtained and further actions are taken by the various parties and agencies. But, at a minimum, any broad communications ought not leave out key facts about the Site’s status and the river itself. Contrary to the impression left by recent news coverage, the truth is that the San Jacinto River is an industrial waterway impacted by a wide variety of sources over many years. For proof, look no further than the state’s own fish advisories, which indicate the presence in the river of various chemicals that did not originate from the San Jacinto Site. Other environmental studies of the river show the presence of many other chemicals that come from an array of activities in Harris County. The Site is a location on the river where action *is* being taken to address any historical issues and protect the environment.

Like you, we believe that community awareness of the Site’s status and future is in everyone’s interest and vital to understanding its history and remediation. That’s why MIMC and IP took the initiative to research the communications preferences of river-users. This led to a comprehensive, proactive signage campaign underwritten with the financial assistance of MIMC and IP, developed and executed by the Galveston Bay Foundation and supported by Precinct 2. No aspect of this effort was communicated in the recent news stories, which leave the false impression that no responsible public awareness actions have been undertaken.

We believe the Community Awareness Committee has worked in a spirit of collaboration when it comes to updating the public. Unfortunately, unilaterally delivered statements inconsistent with facts well known to the Committee, particularly those publicized in the general media, destabilize the public’s confidence in the Superfund process. They also undermine the collective mission and value of this Committee and are contrary to transparent community engagement.

As previously communicated, this is a complex undertaking. What it takes to safely and effectively address the Site’s historical conditions should not be oversimplified – nor can the many requirements involved. Given all the groundwork and momentum achieved over the past two-plus years, it is unquestionable that the Site’s needs are being constantly reviewed and addressed. The public ought to be reassured by this, not misled.

From the beginning, we have taken very seriously our desire and obligation to advance, complete and collaborate on communicating all phases of the project. We have worked diligently to be collaborative partners with the Committee. However, in light of a surprise filing of a lawsuit by Harris County, we must now evaluate our continuing role on this Committee.

We remain eager to communicate with the other members in an alternative forum and intend to continue to provide interested stakeholders with any information and support the U.S. EPA directs to accurately and fairly inform the Site’s neighbors, river-users and the public at large.

The overall remediation effort, funded by MIMC and IP, represents an extremely significant step forward for the San Jacinto River. No one wants inaction. Please be assured we intend to continue to work in good faith and with diligence in 2012 and beyond. In the meantime, we appreciate the ongoing opportunity to provide all agencies, organizations, stakeholders and individual community members with a keen interest in this project with accurate and timely updates.